

REMARKS

The courtesies extended by the Examiner during the interview of April 21, 2010 are noted with appreciation.

In the Office Action, claims 28 and 29 were objected to for being dependent on withdrawn claim 27, and claim 19 was objected to based on a matter of language. By this response, claim 19 has been amended to correct the error noted by the Examiner. The Examiner's careful review of the claim language is noted with appreciation.

Regarding the objection to claims 28 and 29 for dependency on withdrawn claim 27, the status identifier for claim 27 has been changed to correctly set forth that claim 27 is not withdrawn. The initial Office Action indicated that claims 15, 23-26, 30 and 31 were withdrawn as being directed to a nonelected species. Claim 27 was erroneously indicated as being withdrawn in the response to the initial Office Action, and that error has been corrected by this response. Accordingly, it is believed that claims 28 and 29 are in proper form. Applicant's attorney apologizes for any confusion.

Claims 5, 6 and 9 were rejected under 35 USC §102(e) as being anticipated by Jeong published US patent application 2002/0117524. Claims 10-13 and 32 were rejected under 35 USC §102(b) as being anticipated by Graber US patent 4,863,080. Claims 1 and 4 were rejected under 35 USC §103(a) as being unpatentable over Jeong in view of O'Connor US patent 4,288,151. Claims 1, 4 and 14 were rejected under 35 USC §103(a) as being unpatentable over Graber in view of O'Connor. Claims 2 and 3 were rejected under 35 USC §103(a) as being unpatentable over Jeong in view of O'Connor and Huang US patent 6,007,053. Claims 7 and 8 were rejected under 35 USC §103(a) as being unpatentable over Jeong in view of Huang. Claims 16-18 were rejected under 35 USC §103(a) as being unpatentable over Graber in view of O'Connor, and further in view of Littlepage et al. US patent 5,385,280. Claims 19 and 33 were rejected under 35 USC §103(a) as being unpatentable over Graber in view of Pedrini US patent 5,495,970. Claims 20-22 were rejected under 35 USC §103(a) as being unpatentable over Graber in view of Pedrini, and further in view of Bloemer et al. US patent 5,573,165. Claim 34 was rejected under 35 USC §103(8) as being unpatentable over Graber in view of O'Connor, and further in view of Pedrini and Ferman published US patent application 2002/0047031. Claim 35 was rejected under 35 USC §103(a) as being unpatentable over Jeong in view of Pedrini and

Ferman. Claim 36 was rejected under 35 USC §103(a) as being unpatentable over Graber in view of Pedrini and Ferman. The claims have been amended as discussed in the interview so as to define over the prior art.

Specifically, claim 1 is amended to call for an equipment carrier arrangement, which includes a movable rear vehicle component and an equipment carrier. The movable vehicle component is defined as having an upper edge and a lower edge, and as being movable between an open position and a closed position. The equipment carrier is defined as having a frame with lower engagement means engaged with the lower edge of the vehicle component. Claim 1 is amended to state that engagement of the lower engagement means with the lower edge of the vehicle component prevents upward movement of the frame relative to the vehicle component. Claim 1 also calls for the equipment carrier to have a support interconnected with the frame above the lower engagement means via an adjustable position engagement arrangement that enables adjustment in the vertical position of the support relative to the frame. In addition, claim 1 calls for a vehicle engaging member that is carried by and movable with the support. The vehicle engaging member is defined as being engaged with the vehicle component between the lower edge and the upper edge of the vehicle component. Claim 1 further calls for a strap member with engagement means engaged with the upper edge of the vehicle component, and strap engaging and tensioning means carried by and movable with the support. The strap member is defined as being engaged with the strap engaging and tensioning means for tensioning the strap member to tighten the upper and lower engagement means onto the upper and lower edges, respectively, of the vehicle component. The adjustable position engagement arrangement is defined as enabling simultaneous adjustment in the vertical position of the vehicle engaging member and the strap engaging and tensioning means relative to the frame. Finally, claim 1 is amended to state that the equipment carrier is maintained in engagement with the movable vehicle component and is movable with the vehicle component between the open and closed positions via engagement of the lower engagement means with the lower edge of the vehicle component, engagement of the upper engagement means of the strap member with the upper edge of the vehicle component, and engagement of the vehicle engaging member with the vehicle component between the upper and lower edges.

As was noted in the interview, the Jeong reference discloses a relatively conventionally configured trunk-mounted equipment carrier. The carrier includes upper legs 14 and lower legs 20, 22. The upper legs 14 rest on the top of the trunk, and the lower legs 20, 22 rest on the vehicle bumper. The carrier is maintained in position using a series of straps such as 26 and hooks such as 28, which engage the edges of the trunk such that tightening the straps 26 draws the legs of the carrier against the trunk surface and against the bumper.

The Graber reference discloses a bumper-mounted carrier. The carrier includes a frame 10 with legs 11. A foot assembly 16 is pivotably mounted in a fixed position at the lower end of each leg 11. Each foot assembly 16 includes a pivot bracket 17 with upper and lower leg portions having feet that rest on the bumper surfaces. A flexible lower tie 31 includes a hook 32 that is secured to the forward facing edge of the bumper, and the end of tie 31 extends through an opening in the lower end of the frame 11. A retainer, such as an adjustable position clip 33, extends through a loop in the lower tie 31, which may be in the form of a chain. Upper straps 37 extend from the frame 11 and are engaged with the upper edge of the trunk via hooks 36. Intermediate straps 41 are engaged with the edge of the vehicle that defines the trunk opening via hooks 42. Straps 37, 41 can be tightened so as to secure the assembly to the rear of the vehicle. When the carrier is mounted to the vehicle in this manner, the trunk of the vehicle must remain in a closed position.

The O'Connor reference discloses a rear-mounted carrier having a frame. The frame rests on the vehicle bumper, which is provided with apertures 32, 33 that receive seating pins such as 28, 29 that extend from the legs of the frame. Hooks such as 22, 23 are mounted to sleeves 30, 31, which slide on the legs of the frame. The hooks 22, 23 engage the edge of the vehicle that defines the trunk opening such that, when the trunk is closed, the frame is secured to the rear of the vehicle. The hooks may also be retained in position on the frame using an alternative clamping arrangement as shown in figure 9.

The Jeong and Graber references, whether taken alone, together or combined with O'Connor or any other references of record, do not show or suggest the subject matter of amended claim 1. In this regard, claim 1 specifically calls for lower engagement means engaged with the lower edge of the vehicle component, which prevents upward movement of the frame relative to the vehicle component. Jeong simply shows feet that rest on the vehicle bumper.

Graber shows a flexible tie that allows vertical movement of the frame relative to the trunk. This is clearly shown in the drawings of Graber, where Fig. 2 shows the tie 31 in a horizontal orientation and Figs. 4 and 6 show the tie 31 angled so as to enable the frame to be in a lowered position. O'Connor simply shows engagement structure between the frame and the bumper that allows the frame to rest on and be retained by the bumper in a manner that prevents horizontal movement of the frame relative to the bumper as well as downward movement of the frame relative to the bumper. O'Connor does not show or suggest lower engagement means that prevents upward movement of the frame relative to the vehicle component, as claimed.

Furthermore, none of the references show or suggest a carrier that is engaged with the upper and lower edges of the vehicle component and which is movable along with the vehicle component during movement between open and closed positions, as claimed. The carrier of Jeong rests on both the trunk and the bumper and is strapped to the trunk and the vehicle under the bumper. This arrangement effectively prevents the trunk from being opened when the carrier is mounted to the vehicle. The carrier shown in Graber rests on the bumper and is connected via straps and hooks to the edge of the trunk opening, which by definition retains the carrier in a stationary position relative to the vehicle. This is in direct contrast to the present invention which, as claimed, moves along with the vehicle component such as the trunk or tailgate when it is moved between the open and closed positions.

For the above reasons, amended claim 1 is believed to patentably define over the references, and is allowable. Claims 2-4, 23-26, 30, 31, 34 and 35 depend directly or indirectly from claim 1, and are believed allowable for the above reasons as well as in view of the subject matter of each claim.

Similarly, independent claims 5, 10 and 32 have been amended to positively recite the vehicle component. In addition, claims 5, 10 and 32 are amended to state that the frame includes lower engagement means or a hook arrangement that it is engaged with the lower edge of the vehicle component, which prevents upward movement of the frame relative to the vehicle component. Claims 5, 10 and 32 have also been amended to state that the carrier is maintained in engagement with the vehicle component when it is moved between the open and closed positions, along with other features. Accordingly, for the reasons noted above with respect to claim 1, it is believed that independent claim 5 and its dependent claims 6-9, 27-29 and 35,

independent claim 10 and its dependent claims 11-22, 33 and 36, and independent claim 32 also patently define over the references, and are allowable.

Applicant's attorney has made every effort to place the application into condition for allowance with claims 1-36, and such action is earnestly requested.

The Examiner is encouraged to contact the undersigned by phone if questions remain after consideration of this response, or if such would otherwise facilitate prosecution.

Respectfully submitted,

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By 
Andrew S. McConnell
Reg. No. 32,272

Boyle Fredrickson, S.C.
840 North Plankinton Avenue
Milwaukee, WI 53203
(414) 225-9755
Customer No.: 23598